

MARGIE L. RICE
Mayor

KERMIT MARSH
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TRI TA
Council Member



AGENDA

**CITY COUNCIL/REDEVELOPMENT AGENCY
ADJOURNED REGULAR MEETING (5:30 P.M.)**

REGULAR MEETING (7:00 P.M.)

OCTOBER 10, 2007

**CITY COUNCIL CHAMBERS
8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

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5:30 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, MARSH, FRY, QUACH, TA

PRESENT:

ABSENT:

1. New Police Facility Program Update and Site Review.

RECESS:

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, MARSH, FRY, QUACH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Marsh

INVOCATION:

SPECIAL PRESENTATIONS:

A. Proclamation declaring October, 2007 as Community Planning Month in the City of Westminster.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

AGENDA

October 10, 2007

1. **CONSENT CALENDAR**

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of September 12, 2007 (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

1.2 Increase Purchase Order No. 004582 for Continued Remediation Work. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase of \$75,000.00 to Purchase Order #004582 with Telluris, Inc for continued remediation work at the Westminster Corporation Yard tanks site.

1.3 Amendment to the West County SWAT Memorandum of Understanding (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the second amendment to the West County SWAT Protocol to add the City of Seal Beach/Seal Beach Police Department as a party, and authorize the Police Chief to execute the amendment on behalf of the City.

AGENDA

October 10, 2007

1. CONSENT CALENDAR (Continued)

1.4 Amendment No. 1 to Consulting Services Agreement with Comprehensive Housing Services, Inc. to perform additional required services in FY 2007-08. (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve Amendment No. 1 to the Consulting Services Agreement with Comprehensive Housing Services, Inc. to provide additional services for a total amount not to exceed \$75,000, and authorize the City Manager/Executive Director to execute Amendment No. 1 on behalf of the City/Agency.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.5 Ordinance 2420 - An Ordinance of the Mayor and City Council of the City of Westminster amending Section 5.08.040 of Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2420 and waive further reading.

ADMINISTRATIVE ITEMS

1.6 Fee Waiver request from the Vietnamese Student Associations of Southern California to conduct a College Fair in the East/West room of the Community Services Building on October 14, 2007 from 11:00 a.m. until 5:00 p.m. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

1.7 Fee Waiver request from the Drug Foundation of Orange County, West Justice Center, to host a Holiday party for Westminster participants and their families in the East room of the Community Services building on December 19, 2007 from 11:00 a.m. until 2:00 p.m. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

AGENDA

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1. CONSENT CALENDAR (Continued)

- 1.8 Special Event Permit Application from the South Vietnamese Marines Association to hold a Memorial on Friday, November 2, 2007 between the hours of 4:00 p.m. and 9:00 p.m. (includes set up and clean up times) The event will take place at Sid Goldstein Freedom Park, 14180 All American Way, Westminster. Applicant estimates the attendance will be 500 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.9 (City Council/Redevelopment Agency) Warrant Register dated September 19, 2007 through October 2, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.10 Minutes of the Planning Commission meeting held September 5, 2007 (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on October 3, 2007.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of October 3, 2007.

- 1) Case 2007-67 Conditional Use Permit. Application for a conditional use permit to allow for the sale of packaged beer and wine for off-site consumption at the new Target store within the Westminster Mall.
- 2) Case 2007-63 Conditional Use Permit. Request for an on-sale beer and wine (Type 41) license at an existing 1,280 square foot restaurant (Green Wasabi) Location: 9066 Bolsa Avenue..
- 3) Case 2007-02 Conditional Use Permit. Approval of Resolution approving the sale of beer and wine within an existing restaurant (Cajun Corner) Location: 15430 Brookhurst Street
- 4) Case 2007-77 Design Review. Request to install a pylon sign. Location: 15054 Moran Street

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

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4. PUBLIC HEARINGS (Continued)

4.1 VACATION OF AN ALLEY ADJACENT TO THE INTERSECTION OF GOLDENWEST STREET AND WESTMINSTER BOULEVARD ASSOCIATED WITH THE WALGREENS DEVELOPMENT AND TENTATIVE PARCEL MAP 2007-111 (Marwan Youssef)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4113 entitled, "A Resolution of the Mayor and City Council of the City of Westminster, California approving the vacation of an alley relating to Tentative Parcel Map 2007-111".

4.2 REVIEW OF CASE NO. 2007-23 (GENERAL PLAN AMENDMENT, ZONE CHANGE, TENTATIVE TRACT MAP, SITE PLAN, DESIGN REVIEW, VARIANCE), A REQUEST TO SUBDIVIDE A 2.56 ACRE PARCEL INTO 43 LOTS TO ALLOW FOR THE DEVELOPMENT OF 38 SINGLE-FAMILY RESIDENTIAL UNITS, A PRIVATE DRIVE AND ASSOCIATED IMPROVEMENTS LOCATED AT 7111 TRASK AVENUE (ASSESSOR'S PARCEL NUMBER 096-031-23); APPLICANTS: MARK WHITEHEAD FOR BRANDYWINE HOMES; PROPERTY OWNER: CALVARY CHAPEL WESTGROVE, INC. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

AGENDA

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4. PUBLIC HEARINGS (Continued)

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 4114 entitled: "A Resolution of the Mayor and City Council of the City of Westminster adopting a Mitigated Negative Declaration related to Case No. 2007-23 and approving said case involving a General Plan Amendment to the Land Use Designation of the site (change from Public/Semi Public to Residential High), Tentative Tract Map, Site Plan, Design Review and Variance applications for the subdivision of a single 2.56 acre parcel to accommodate 38 new detached, single-family residential units, a private drive and associated improvements at 7111 Trask Avenue (Assessor's Parcel Number 096-031-23).
- 2) Introduce Ordinance 2422 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster amending the official City of Westminster Zoning Map to provide for a change of zoning (Case No. 2007-23) for the subject site (7111 Trask Avenue) from R3 (Multiple Units, Thirteen to Fourteen Units Per Acre) District to R-4 PD (Multiple Units, Fifteen to Eighteen Units Per Acre) District, Planned Development Overlay District", and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – None

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 **Change Order for Additional Work at Rancho Road.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a change order in the amount of \$14,960 to the contract with All American Asphalt for the Rancho Road Widening project.

6.2 **Award of Contract for Maintenance/Service Agreement for Concrete and Related Street Repairs at Various Locations.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to Nobest, Incorporated in the amount of \$610,550.00; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

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7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Ordinance 2421 (First Reading) Authorizing the Execution of an Amendment to the Contract with the California Public Employees' Retirement System to Provide Section 21574 (Fourth Level of 1959 Survivor Benefits) and Section 21354.4 (2.5% @ Age 55 Full and Modified Formula) for Local Miscellaneous Members Only. (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2421 entitled "An Ordinance of the Mayor and City Council of the City of Westminster authorizing an amendment to the contract between the City Council of the City of Westminster and the Board of Administration of the California Public Employees' Retirement System", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS – None

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary